

THE BAUMHOLDER BUGLE



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ARTICLE 139 CLAIMS—HOW TO USE IT

LEGAL OFFICIALS EXPLAIN THE INS AND OUTS OF GETTING YOUR MONEY BACK ON DAMAGED GOODS

Have you ever been the victim of either theft or the reckless or intentional destruction of property at the hands of a Soldier? If so, did you know that you may be able to recover your loss through the use of an Article 139 claim against that Soldier?

“Redress of injuries to property,” Article 139 of the U.C.M.J. allows commanders to investigate allegations of theft or destruction of property by Soldiers and to direct finance to pay the victim directly where appropriate. The remedy is designed to ensure that people are compensated when Soldiers commit fraud against them, steal from them, or vandalize their property.

It is not designed to allow a creditor to collect a debt when the debt is disputed or the debtor has had trouble making repayments. Similarly, Article 139 claims cannot be used to recover money for damage or loss which was caused by negligence instead of intentional or reckless misconduct on the part of the Soldier.

Specific examples of situations in which a person could recover under an Article 139 claim in-

clude where one Soldier uses another Soldier’s telephone card without the owner’s permission or where a Soldier slashes the tires of someone’s car.

Any individual or entity, civilian or military, may file an Article 139 claim against a Soldier. Generally, the claim must be submitted within 90 days of the incident which gave rise to the claim. This period can be extended for good cause, which includes not knowing about Article 139 procedures. The person or entity making the claim must file it with the special court-martial convening authority (SPCMCA) having jurisdiction over the alleged offender. However, any claims office can accept the claim and forward it to the SPCMCA which has jurisdiction. The claim must be signed and list a specific sum of money. The next step involves the SPCMCA appointing an officer to conduct an investigation. If the investigating officer determines that it is more likely than not that the claim is valid, then the SPCMCA can order up to \$5,000 in compensation to be approved immediately and can recommend approval of higher levels of compensation to the U.S. Army



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Claims Service. This money is then collected directly from the wrongdoer’s paycheck and transferred into the account of the claimant. If you have questions about obtaining compensation under an Article 139 claim contact claims personnel at mil 485-6507 or visit the Baumholder Legal Service Center Office, Building 8222 on Smith Barracks, any Wednesday (except on German/U.S. Holidays, or LN shop agreement days) between 8 a.m. and 3 p.m. (closed from noon to 1)

SPECIAL POINTS OF INTEREST:

- *Article 139 claims—how to use it*
- *Filing online claims*
- *Catalog your clutter*
- *Speeding.. Is it worth it?*
- *Puerto Rico birth certificates*
- *Pet owners “Beware”*
- *Tax time*
- *Need an Attorney?*

WE’RE ON THE WEB!

WWW.BAUMHOLDER.ARMY.MIL/
/SITES/LOCAL/LEGAL2.ASP

FILING CLAIMS AND DP3 CLAIMS ONLINE

On 1 October 2009, the Personnel Claims Army Information Management System (PCLAIMS) was fielded. It can be accessed from the Judge Advocate General’s Corps internet site at www.jagcnet.army.mil. The US Army Claims Service link needs to be clicked and then the PCLAIMS link. The PCLAIMS link will describe the rules for filing personnel claims only and allow filling out required forms. An Army Knowledge Online (AKO) account is needed to use PCLAIMS.

Notice Procedure For DP3 shipments. Any notice of lost

and/or damaged items resulting from DP3 shipments must be given directly to the Transportation Service Provider (TSP) via internet, email, fax or mail within 75 calendar days from the date of delivery. For assistance with the notification, contact the claims office. Claims for these shipments can be filed directly with the TSP within 9 months of delivery or with the Government within 2 years of delivery. The Statute of Limitations for filing claims under AR 27-20 is (2) years from the date of the incident. Don’t have Internet access? The DPS Interactive Voice Response (IVR) system will provide

you with access to your shipment information 18006057177 or 18003262137 For Personal Property entitlements or functional questions, contact a Transportation Office 1. Go to the www.move.mil/ website 2. Select DOD Customer 3. Select the link to register under Accessing DPS For technical DPS systems issues contact the DPS HELP DESK Toll Free: (800) 462-2176 Commercial: (618) 220-SDDC (7332) DSN: 770-7332

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CATALOG YOUR CLUTTER TO ENSURE REIMBURSEMENT



Here's a summer resolution from the Claims Office: Catalog your clutter.

Inventory your possessions in case of disaster. Such disasters can include fire, flood and theft. Permanent Change of Station moves can also result in the loss of property of great value.

Being prepared for a disaster is the best way to substantiate ownership and value after the disaster's occurrence. It also ensures you will be reimbursed for your loss, whether you file a claim for loss with your insurer, a carrier or the government.

Existing software programs on the market make it easy to import digital photos and add

details such as descriptions, prices, and purchase dates. After creating the inventory and taking pictures, send the pictures to a safe place outside your home when you move. Do not put it in your household goods shipment. Incidentally, you would be required to list such details on claims forms if experienced a loss, and photos are invaluable in helping you to support your claim, whether it is with your private insurer or with the military. More tips and tools are available at websites such as www.knowyourstuff.org.

It is best to be prepared. By cataloging your possessions now you will be taking a step to better ensure financial security in case of misfortune.

If you have questions about coverage or requirements for losses incurred in an incident to your service, contact the Baumholder Claims Office at mil 485-6507, civ. (06783) 6-6507 or visit the office any Wednesday during walk-in hours from 8 a.m. to noon and 1-3 p.m.

The office is located on Smith Barracks in Building 8222, 2nd floor Legal center.

**** This does not imply endorsement of this or any other software product.***

GETTING ANSWERS TO FAQ'S FROM MILITARY CLAIMS OFFICIALS

The Baumholder Claims Office handles a variety of inquiries annually of persons seeking reimbursement for losses and damage related to acts that happen in the military community. The following are some of the more frequently asked questions asked on the way to determining a claimant's entitlement to compensation:

When is a claim subject to the Full Replacement Value Program?

FRV coverage applies to most international shipments to and from the continental United States with pickup dates on and after Oct. 1, 2007; to most domestic shipments within CONUS with pickup dates on and after Nov. 1, 2007; and to non-temporary storage and local move shipments with pickup dates on and after Mar. 1, 2008. Claimants should still bring their DD Form 1840/1840R to the Claims Office within 70 days of the delivery date with all losses or damages not noted at the time of delivery on the reverse side of the form.

What does one do with the pink forms, DD Form 1840, received for the moving company?

Write down any missing or damaged items on the DD 1840R, the reverse side of the pink form and turn it in to the Claims Office. If you don't report an item within 70 days for the date of delivery of household goods, you will not be paid for that item. This reporting period complies with contractual requirements between the Army and the moving companies.

How long does one have to file a household goods claim?

Under the FRV program, claimants have nine months to file claims with the carrier. Otherwise, claimants have two (2) years from the date of delivery of goods to file claims against the government. However, claimants must have previously turned in the DD Form 1840/1840R to a military claims office or the carrier.

When does one need to get an estimate of repair and who pays for it?

For the FRV program, the carrier obtains estimates of repair. Otherwise, estimates are required for all repairs over \$50. All electronic items with internal damage must have estimates of repair that state a basis for believing to claimed damage is due to shipping. Additionally the Claims Office requires that an Electronic Repair Form that will be completed by the repair firm and the fee is reimbursable.

How does one find a replacement cost for broken items?

Replacement costs can be determined for items similar in quality and type to what was missing or totally destroyed. Claimants can use commercial catalogs, AAFES, local department and furniture stores, or the Internet to establish the value. Ask store personnel for a written replacement cost or copy a page from a catalog.

Why does the Army depreciate property?

Depreciation does not apply to FRV claims filed on time. For other claims, the Army's system is designed to replace the property lost based on actual value at the time of loss as prescribed by federal law. The U.S. Army Claims Service sets the rates of depreciation based on the type of property involved.

Can a claim be filed for a television damaged by a power surge in my on-post quarters?

Claimants must first file with their private insurer and if it can be determined that damage was caused by a mechanical defect from surge damage the claimant may be entitled to reimbursement.

Why must one file a private insurance claim before the Army will make reimbursement?

The Army claims system is not intended to substitute for private insurance or to benefit private insurers. If your loss, which includes your automobile, is compensable by private insurance (other than stemming from government-sponsored transportation or storage), you will be required to exhaust that coverage option before the Army will pay.

Can a claim be filed for a vandalized car?

If a claimant can show evidence that the vandalism occurred on post or at one's assigned quarters, reimbursement can be paid for the damage to the extent it is not covered by your own insurance. There is a regulatory presumption that the damage did not occur on the installation. Incidents must always be reported to the Military Police, and claimants must obtain a copy of the report.

Can I be compensated if my car is involved in an accident on post deemed a hit and run?

Hit and run accidents are not compensable under the Army claims system.

How do I receive compensation for damage to my automobile that occurred during shipping?

Under the current POV shipping contract you may have settled with the carrier at the port. If not, or if additional, uncompensated damages were found, one should contact the Claims Office. The Vehicle Inspection and Shipping Form is needed to file a claim.

Does the Army pay for a rental car while one's car is being repaired for shipping or vandalism damage?

Rental car payments are not authorized under Chapter 11, Personnel Claims.

How can one recover property stolen by another Soldier who received an Article 15 for the action?

Claimants can file a claim under the provisions of Article 139, U.C.M.J. Note that this law does not allow for the collection of debts. If the wrongdoer Soldier has been discharged from the Army one may be able to file a claim under the Personal Claims Act to recover the theft.

The Claims Office is located on Smith Barracks in Building 8222, 2nd floor Legal center. DSN 485-6507

THINGS YOU SHOULD KNOW ABOUT PHONE CONTRACTS IN GERMANY

The first contract you will sign here in Germany is probably a phone service contract including internet access or a cell phone contract. Since Germany has a huge variety of phone companies and different tariffs, there are some basic things you should be aware of.

Signing up for a phone contract

Most phone companies offer contracts with a minimum duration of 12 or 24 months, which will automatically be renewed for another 12 months, if they are not terminated three months prior to the expiration date.

Since these contracts basically do not have a "deployment" or "PCS" clause, there will be serious issues if you need to cancel early. In Germany, there is no legal right for servicemembers to be released early. Even though companies might let you out of the contract prior to the expiration date, they want you to pay the remaining monthly fees and sometimes an additional compensation fee. If they promise not to do so, get it in writing.

ing.

You need to read and understand the terms and conditions of the contract before signing it. Get help if you don't understand, especially when everything is in German. If you know that you won't be in the country for another 12 or 24 months, ask for different options as month-to-month contracts, prepaid phones, etc.

Your phone bill

You will receive a monthly bill, which should be reviewed immediately. If you don't feel comfortable with the bill, you need to file your dispute in writing without delay. Make sure to have proof that the company did receive your dispute.

If you do not receive a bill, you need to contact the company in writing, since you cannot expect to get free service. If an undisputed bill remains unpaid, the company has the right to turn off the service and cancel the contract. But this will not prevent you from paying the remaining monthly fees.

Terminating the contract

A cancellation notice has to be in writing. The burden of proof that the cancellation was received by the phone company is on you. So make sure to get a confirmation receipt.

Check your contract for the termination requirements. Understand that most contracts have a minimum duration and automatic extension, so that the options for cancellation are very limited. Since there are no "deployment" or "PCS" clauses, most companies will make you pay for an early release.

Important to know

If you talk to someone in person, make notes including date, time and name. Do everything in writing and make copies for yourself. Keep all documents and receipts.

For further information or help, contact the Baumholder Legal Assistance Office at DSN 485-6506 or CIV 06783-6-6506.



LEGAL PROBLEMS IN GERMANY

While being stationed in Germany, you will necessarily participate in German daily routine. That means you will probably get in touch with German Laws, e.g. when renting an apartment, signing up for a phone contract, buying a vehicle, etc. So, if there are any questions about the German Law or legal problems, feel free to contact the Baumholder Legal Assistance office. Our German Attorney is happy to assist you. If necessary, we can provide a list of English speaking German attorneys on the economy in the Baumholder area or obtain such a list from other Legal Assistance Offices for their areas.

SPEEDING IS DANGEROUS AND EXPENSIVE

Everybody is aware, that speeding might cause accidents with serious consequences, not only damages to vehicles but also injuries or even death. But nevertheless we see many speeding offenses all over the place, since most people think they are able to operate their vehicle safely at high speeds. This can be fatally wrong. So please make sure to always watch your speed!

Also, in order to show you how expensive speeding is, even if there is no accident, we have the official catalogue for speeding offenses in Germany (Bussgeldkatalog) below:



Be warned that nearly 90% of the speeding tickets we see in Legal assistance are from A62 between Freisen and Reichweiler.

(POLICE: "When I saw you driving down the road, I guessed 55 at least." MAN: "You're wrong, officer, it's only my hair that makes me look that old.")

	CITY LIMITS		OUTSIDE CITY LIMITS	
	FINE	SUSPENSION	FINE	SUSPENSION
up to 10 km/h	15,- EUR		10,- EUR	
11-15 km/h	25,- EUR		20,- EUR	
16-20 km/h	35,- EUR		30,- EUR	
21-25 km/h	80,- EUR		70,- EUR	
26-30 km/h	100,- EUR		80,- EUR	
31-40 km/h	160,- EUR	1 month	120,- EUR	
41-50 km/h	200,- EUR	1 month	160,- EUR	1 month
51-60 km/h	280,- EUR	2 months	240,- EUR	1 month
61-70 km/h	480,- EUR	3 months	440,- EUR	2 months
over 70 km/h	680,- EUR	3 months	600,- EUR	3 months

CERTIFIED COPIES OF MILITARY ID CARDS

The legal assistance office is often asked to make a certified copy of a military ID card. You should be aware that photocopying of a US Government identification card is a violation of Title 18, US Code Part I, Chapter 33, Section 701 and is punishable by both fine and imprisonment.

If a business is requesting that you provide them with a certified copy of a military ID card, our office can verify that you do have a valid ID card and can provide you with an affidavit to that effect.



Defending Those Who Defend America™

Trial Defense Service (TDS) represents Soldiers involving criminal matters. Soldiers facing punishment under Article 15, UCMJ, separation, or Courts-Martial must report to the TDS office on Wednesdays and Fridays only and be signed in before 0915 hours for a briefing. Soldiers facing possible UCMJ or who are under investigation may seek assistance from the TDS office during any duty day (Closed Thursdays) before 1600 hours. All TDS hours are subject to change without notice. The Baumholder TDS office number is DSN: 485-6483.

BAUMHOLDER LEGAL ASSISTANCE OFFICE

Mission

The Baumholder Legal Assistance Office provides accurate and timely legal assistance services to Soldiers, Family members, DoD Civilians, and Retirees, covering a wide range of legal topics.

Services

Appointments:

Legal assistance appointments are made up to two weeks in advance by either coming into the legal assistance office or calling DSN 485-6506, comm. 06783-55606 during business hours.

Legal counseling is provided on an appointment-only basis only.

Common matters that we can help with include:

Family Law
Wills
OER/NCOR Appeals
FLIPLS

Landlord Tenant

Consumer Law (including phone bills)

The following are services we cannot provide pursuant to AR 27-3: Military Justice matters (UCMJ), private business transactions, litigation against the United States, and employment matters (except enforcement of USERRA).

Other services may be provided as resources allow.

Wills:

A Will Worksheet MUST be completed prior to your appointment time to expedite the processing of your Last Will and Testament.

Will appointments can include:
Advanced Medical Directive
Health care powers of attorney

Advanced Medical Directives, also known as living wills, allow you to

make advance decisions about life support. Health care powers of attorney allow you to name a person to make medical decisions for you if you become unable to make decisions for yourself.

Powers of Attorney and Notarial Services:

Powers of Attorney and Notarial services are offered on a walk-in basis at any time during office hours. General powers of attorney and specific powers of attorney are available. Not every document presented can be notarized. Determinations are made based on the Army notary regulation.

Hours of Operation:
Monday-Friday 0900 to 1600
Closed each day 1230-1300 for Lunch

NEW LAW CONCERNING PUERTO RICO BIRTH CERTIFICATES

If you have a Puerto Rico birth certificate, you should be aware that it will become invalid on July 1, 2010. Beginning on that date, the Puerto Rico Vital Statistics Record Office will begin to issue new birth certificates. These new certificates will have technology that will

make it hard to forge a Puerto Rico birth certificate. If the birth certificate was issued between June 15, 2010 and July 1, 2010, it will be valid for at least two weeks. Citizens born in Puerto Rico but residing overseas can get a copy of their new birth certificate for \$5 by sending an

application form to the Vital Statistics Record Office. This form may be obtained at: <http://www.salud.gov.pr/Programas/RegistroDemografico/Pages/RequisitosparasolicituddeNacimiento.aspx>

PET OWNERS LIABILITY INSURANCE

Pet owner liability insurance covers the liability caused to the pet owners by their pets. In simple words, it covers the losses caused to third parties by pets. Pets may destruct neighbors' or passersby's properties.

Hence pet owners in particular, exotic and furious pet owners should obtain a pet owner liability insurance for protecting themselves and others from possible losses caused by their pets. If a mischievous dog, for instance, spoils the expensive carpet of a neighbor, it is the pet owner who is answerable for the damage.

Not only the damage caused to the property, the pet owner liability insurance covers the cost of injury or death caused by pets to other pets or people as well. This feature is appli-



cable in particular, to the dog own-

ers. Claims resulting from dog bites are the most commonly experienced problem by the dog owners. Usually coverage includes pet attacks to third parties and property damages caused by pets. (Source: MyPetCover.com)

Pet owners insurance can be purchased at all most all insurance company's local national and American. More tips and tools are available at websites such as :
* <http://www.usaa.com>

* *This does not imply endorsement.*

MAKE SURE YOUR WILL, SGLI ARE OKAY

by Pamela Cater

The world events of the last few weeks have made many of us think about getting our personal affairs in order. The top of that new "to do" list should include a note about wills and life insurance.

Not everyone needs a will. You may need a will if:

- You have minor children;
- You own a house or land;
- You own a large amount of personal property;
- You have a large amount of savings or investments; or
- You have divorced, married, or had a child since your old will was signed.



Having a will can ensure that your property goes where you want it to when you die. If you are not sure whether you need a will. Call the legal assistance office and make an appointment with a legal assistance attorney. Download our simple two-page worksheet from our website, complete it and bring with you to your appointment. If you own a house or any land, be sure to bring a copy of the deed to the appointment.

All though a will spells out how you want your property distributed, be aware that not all of your assets will be distributed through your will. Bank accounts, vehicles, life insurance proceeds, and even real estate can be distributed to the person you choose, even without a will.

Bank accounts or investments will go directly to the person designated on your account. If you are married you may have a joint account. This allows each spouse to use the account. Upon the death of one spouse, the money will pass to the surviving spouse. As an alternative to a joint account, some financial institutions will allow you to designate a "pay on death" beneficiary. This means that the person you choose will not be able to make transactions on your account, but will receive the money upon your death. That person will need a certified death certificate to claim the funds. Transfer of vehicles works much the same way. If your automobile is titled in your name and the name of another person, that vehicle will pass to the other person upon proof of your death.

Although you may choose a beneficiary for your SGLI, getting the benefits to the right person can be a little tricky. You may designate a person to receive your life insurance benefit upon your death. As long as that person is at least eighteen years old at the time of your death, the money will pass directly to that person. You can name a minor child as a beneficiary, but certain language must be used. The necessary language will depend on whether you have a will, how that will is written, and your home state of record. Never name an adult relative as your SGLI beneficiary and assume that they will use the life insurance money to care for your child. Without a carefully crafted statement on your SGLI form and perhaps a will, as well, you cannot know that your child will be taken care of.

For more information concerning wills or SGLI, contact the Baumholder Legal Center at 06783-66506 (civilian) or DSN 485-6506.

BAUMHOLDER TAX CENTER

Services:

Free preparation of state and federal tax returns for years 2007-2009 for Soldiers, Family members, DoD Civilians and Retirees.

Free electronic filing of 2009 taxes.

Appointments are strongly encouraged.

Required Documents:

W2 (all of them if you have more than one)
1099 INT, 1099B, 1099MISC, 1099R (any 1099 documents)
1098 (tuition payments, mortgage interest, etc.)
Information about other income, such as a Lohnsteuerbescheinigung
2008 tax return
ITIN Number for spouse, if applicable
Social Security Card(s) for all dependents
Day Care Financial Statements
Social Security Number or Tax ID (EIN) number for FCC Providers who care for your child(ren)
Account number and routing number for direct deposit
If filing joint: spouse or power of attorney document

Hours of Operation:

Monday-Friday 0900 to 1600

Phone Numbers:

DSN 485-1040
Comm. 06783-61040

Location:

Baumholder Legal Center
Building 8222, First Floor

Website:

<http://www.baumholder.army.mil/sites/local/Legal/TaxCtr.pdf>



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If a business is requesting that you provide them with a certified copy of a military ID card, our office can verify that you do have a valid ID card and can provide you with an affidavit to that effect.

How to Find an Attorney in the US to Help You

How to Find an Attorney in the US to Help You

Often those living in the military community need to file a court case, such as divorce, in the US. The legal assistance office is not able to file papers and represent clients in court. So it becomes necessary for the client to hire an attorney in the US. There are several ways to locate an US attorney.

Ask family or friends in the state you plan to file in. If people were happy with their attorney, that is a good reference.

Ask your legal assistance attorney if they have a list of local attorneys that practice law at an Army installation near where you plan to file.

Go to the Bar Association webpage for your state and under their public pages, look for an attorney referral service. Most states have an online referral service.

Look for an attorney on the internet on sites such as: www.martindale.com or www.findlaw.com

ATTORNEY JOKE

A young lawyer, in the process of opening a new private practice, was very anxious to impress potential clients. Upon seeing a man enter the lobby of his office, he immediately picked up his phone and spoke into it, "Eight hundred thousand dollars? You're kidding me. You're going to have to do better than that. Our bottom line for settlement is a million. Don't waste my time with anything less." Slamming down the phone, he then turned to the man who had just walked in, and said, "Now, what can I do for you?" "Nothing," replied the man. "I'm here to hook up your phone."